

Chairman, Senator Jon Sonjue and members of the Senate Local Government Committee, my name is  
Richard E. Grady, a private citizen, at 9312 Lincoln Road West – Canyon Creek, Montana, located 25 miles  
Northwest of Helena.

Senate Local Govt. Comm.

Exhibit No. 3  
Date 1-17-2011

Bill No. SB 128

I am submitting written comments in opposition too Senate Bill No. 128 introduced by Senator Bob Lake  
Monday – January 17, 2011 at 3:00 p.m. in Room 405 – Senate Local Government Committee

My family has a ranching operation that has significant filed water rights involving domestic wells,  
irrigation diversions, stock tanks and 160 acre surface lake. Also I am a trustee/secretary for the Canyon  
Creek Rural Fire District. Upon reviewing the Canyon Creek Rural Fire District existing water rights with  
DNRC on the district well that serves its only existing fire station, clarification is needed in the draft  
language of the bill.

In researching the District filed water rights with DNRC on Friday – January 14, 2011, and the water log  
prepared by the water driller on Friday – January 14, 2011, the gallons per minute from the existing well is  
over 100 gallons per minute which copies of the documents have been attached.

The following table outlines the usage of the well serving the district fire station, permanent over head  
filling station pipe and lawn area along with a photopoint for supporting documentation.

DESIGNATON OF USE	TYPE OF WATER UTILIZATION
Domestic Usage	Kitchen with sink, utility area with sink; one bathroom with sink, toilet and shower unit.
Inside of Station – Overhead filling System	Inside the fire station is four individual, two (2) inch over head PVC pipes to fill the fire apparatus in the station consisting of two wildland engines, one water tender and one structural engine, along with (4) individual ¾ valves to wash fire apparatus equipment.
Outside overhead filling station plumbed to a ½ turn key valve under pressure	Two (2) inch overhead steel pipe with a capacity of 100 gallons per minute to fill fire apparatus and other non-emergency equipment for district operations, such as a weed sprayer tank to control noxious weeds on the district property.
Outside frost proof yard hydrant	One (1) one frost proof hydrant to water the lawn around the fire station.

In visiting with the local owner of the Canyon Creek Store on Friday – January 15, 2011 and a taxpayer  
who supports the fire districts operations for fire protection, has two wells that only produce 11 gallons per  
minute each. These wells have to support the owners business and 5 rental units for domestic usage.

It is important that a local government fire agency provided for in Title 7, chapter 33 which cover rural fire  
districts and fire service areas that outlines the responsibilities of the Board of Trustees. As a trustee, one  
must understand the impact of this proposed bill as if affects agricultural interest and private homeowners,  
when the district has an exceptional well that is provides a 100 gallon per minute well that greatly enhances  
the district to fill its fire apparatus.

The following table provides the supporting data of the benefits of this well and the importance of properly securing a permit through DNRC with the well at 100 gallons per minute that utilizes overhead filling station design outside and inside the fire station, based on the fire apparatus within the district.

Type of Apparatus	Water Tank Capacity	Time frame to fill water tank
Structural Engine	500 gallons	5 minutes
Water Tender	4000 gallons	40 minutes
Wildland Engine	200 gallons	2 minutes
Wildland Engine	500 gallons	5 minutes

If the intention of the bill is to exempt local government fire agencies, I question why the sponsor of the bill is referring to 35 gpm, when a rural fire district or fire service area is looking on a higher flow rate too fill a water tenders, and engines, under "emergency conditions" to reduce the amount of time to fill the water tank in a water tender or engine.

The fire service teaches firefighters the concept of rural water supply and the ability to move large volumes of water by the utilization of water tenders and portable fold a tanks to enhance the fire flows on the fireground, particular at a structure fire.

Also the wording storage is utilized, is the sponsor referring to the type of storage that would involve the construction of an under ground tank to hold a large capacity of water of 1000 gallons or more that would be served by a well?

I appreciate the opportunity as a private citizen to provide written documentation regarding the intention of Senate Bill No. 128.

Thank-you

/s/ *Richard E. Grady*

Richard E. Grady

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**Acre-foot** (AC-FT, acre-ft) is a unit of volume, commonly used to measure quantities of water used or stored, equivalent to the volume of water required to cover 1 acre to a depth of 1 foot and equivalent to 43,560 cubic feet, 325,851 gallons, or 1,233 cubic meters.

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

## GENERAL ABSTRACT

**Water Right Number:** 41QJ 30018832 GROUND WATER CERTIFICATE  
**Version:** -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** CANYON CREEK VOLUNTEER FIRE DISTRICT  
PO BOX 464  
CANYON CREEK, MT 59633

**Priority Date:** January 19, 2006 at 12:24 PM  
**Enforceable Priority Date:** January 19, 2006 at 12:24 PM

**Purpose (use):** FIRE PROTECTION

**Maximum Volume:** THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRE-FEET

**Source Name:** GROUNDWATER  
**Source Type:** GROUNDWATER

**Points of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	9	12N	5W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 to DECEMBER 31						
<b>Diversion Means:</b> WELL						
<b>Survey Tract:</b> 1						
<b>Well Location:</b> 7560 DUFFY LANE						

**Purpose (use):** FIRE PROTECTION  
**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use: (1 total records)**

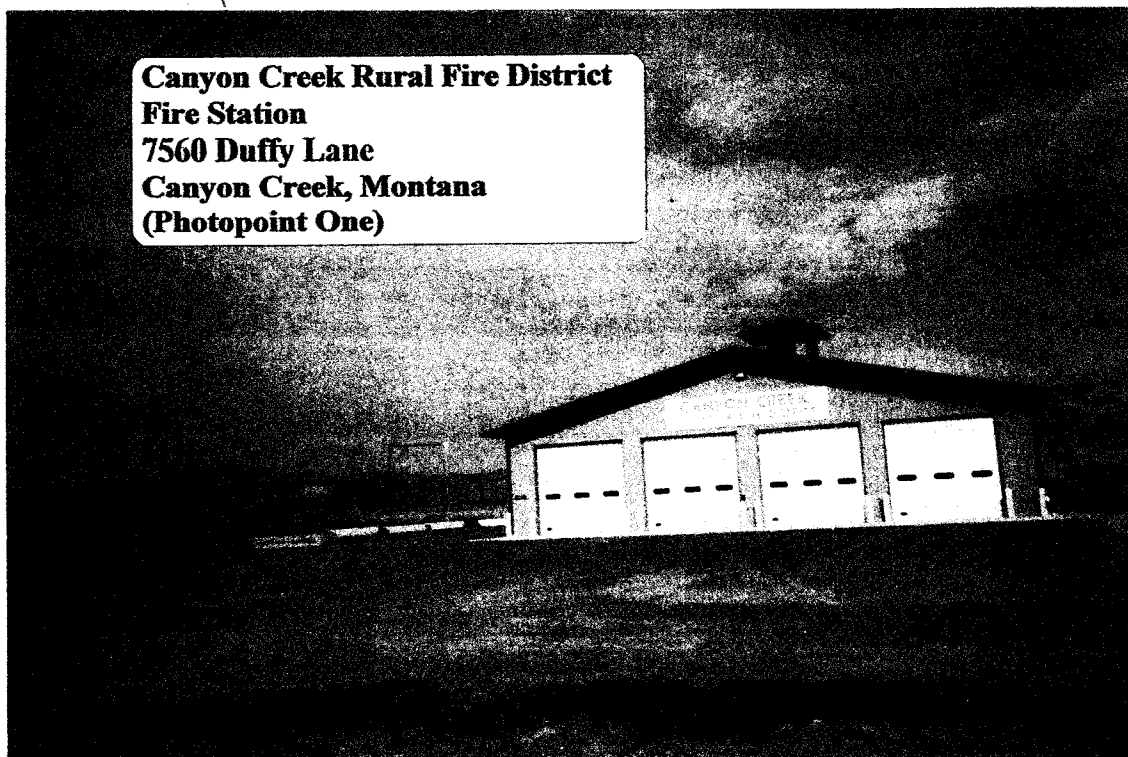
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSW	9	12N	5W	LEWIS AND CLARK
THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 3017792.							
THE PLACE OF USE IS LOCATED IN TRACT 1.							

**Geocodes/Valid:**

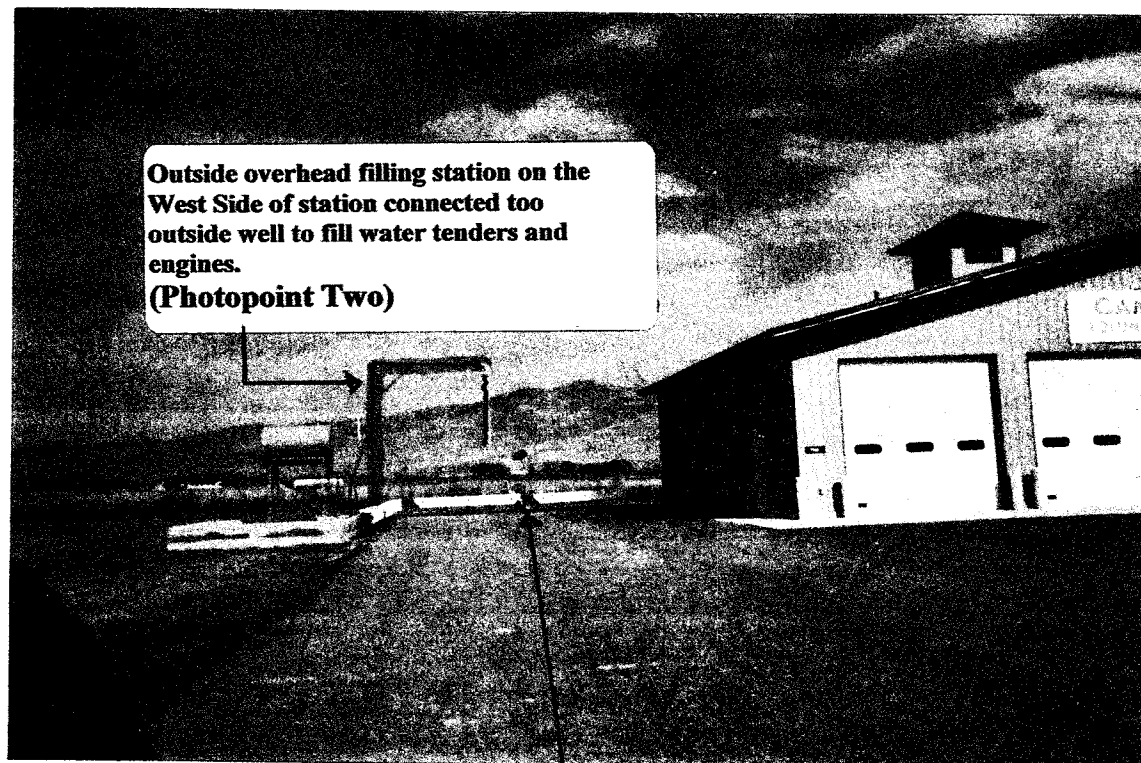
**Remarks:**

http://mbmggwic.mtech.edu/sqlserver/v11/reports/SiteSummary.asp?gwicid=198772&age... 1/14/2011

**Canyon Creek Rural Fire District  
Fire Station  
7560 Duffy Lane  
Canyon Creek, Montana  
(Photopoint One)**



**Outside overhead filling station on the  
West Side of station connected too  
outside well to fill water tenders and  
engines.  
(Photopoint Two)**



Well Location